

AMENDED IN SENATE JULY 7, 2015
AMENDED IN ASSEMBLY APRIL 21, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 879

Introduced by Assembly Member Burke
(Coauthors: Senators Anderson and Hertzberg)

February 26, 2015

An act to amend, repeal, and add Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 879, as amended, Burke. Juveniles: court proceedings: notice.

Existing law authorizes the juvenile court to adjudge a minor who has been abused or neglected, or who meets other specified criteria, to be a dependent child of the court. Existing law requires the court to conduct various hearings regarding children who are, or who may become, dependent children, including a detention hearing, jurisdictional hearing, and dispositional hearing. Existing law requires the probation officer, the social worker, or the clerk of the court to provide notice of those hearings to certain persons, including parents, guardians, the child, if he or she is 10 years of age or older, adult relatives under certain conditions, and attorneys for the parents or guardians, as specified.

This bill would, until January 1, 2019, generally allow service for the above purposes to be made by electronic mail if the county, or city and county, and the court choose to permit service by electronic mail and the person to be served has consented to service by electronic mail by signing a specified form, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 290.1 of the Welfare and Institutions
2 Code is amended to read:
3 290.1. If the probation officer or social worker determines that
4 the child shall be retained in custody, he or she shall immediately
5 file a petition pursuant to Section 332 with the clerk of the juvenile
6 court, who shall set the matter for hearing on the detention hearing
7 calendar. The probation officer or social worker shall serve notice
8 as prescribed in this section.
9 (a) Notice shall be given to the following persons whose
10 whereabouts are known or become known prior to the initial
11 petition hearing:
12 (1) The mother.
13 (2) The father or fathers, presumed and alleged.
14 (3) The legal guardian or guardians.
15 (4) The child, if the child is 10 years of age or older.
16 (5) Any known sibling of the child who is the subject of the
17 hearing if that sibling either is the subject of a dependency
18 proceeding or has been adjudged to be a dependent child of the
19 juvenile court. If the sibling is 10 years of age or older, the sibling,
20 the sibling's caregiver, and the sibling's attorney. If the sibling is
21 under 10 years of age, the sibling's caregiver and the sibling's
22 attorney. However, notice is not required to be given to any sibling
23 whose matter is calendared in the same court on the same day.
24 (6) If there is no parent or guardian residing in California, or if
25 the residence is unknown, then to any adult relative residing within
26 the county, ~~or~~ or, if none, the adult relative residing nearest the
27 court.
28 (7) The attorney for the parent or parents, or legal guardian or
29 guardians.
30 (8) The district attorney, if the district attorney has notified the
31 clerk of the court that he or she wishes to receive the petition,
32 containing the time, date, and place of the hearing.
33 (9) The probate department of the superior court that appointed
34 the guardian, if the child is a ward of a guardian appointed pursuant
35 to the Probate Code.

1 (b) No notice is required for a parent whose parental rights have
2 been terminated.

3 (c) The notice shall be given as soon as possible after the filing
4 of the petition.

5 (d) The notice of the initial petition hearing shall include all of
6 the following:

7 (1) The date, time, and place of the hearing.

8 (2) The name of the child.

9 (3) A copy of the petition.

10 (e) Service of the notice shall be written or oral. If the person
11 being served cannot read, notice shall be given orally. Except as
12 provided in subdivisions (f), (g), and (h), written notice may be
13 served by electronic mail if the county, or city and county, and the
14 court choose to permit service by electronic mail and the person
15 to be served has consented to service by electronic mail by signing
16 Judicial Council Form EFS-005.

17 (f) If the probation officer or social worker knows or has reason
18 to know that an Indian child is involved, notice shall be given in
19 accordance with Section 224.2.

20 (g) Except as provided in subdivision (h), if notice is required
21 to be provided to a child pursuant to paragraph (4) or (5) of
22 subdivision (a), written notice may be served on the child by
23 electronic mail only if all of the following requirements are
24 satisfied:

25 (1) The county, or city and county, and the court choose to
26 permit service by electronic mail.

27 (2) The child is 16 years of age or older.

28 (3) The child has consented to service by electronic mail by
29 signing Judicial Council Form EFS-005.

30 (4) The attorney for the child has consented to service of the
31 minor by electronic mail by signing Judicial Council Form
32 EFS-005.

33 (h) If notice is required to be provided to a child pursuant to
34 paragraph (4) or (5) of subdivision (a), written notice may be served
35 on the child by electronic mail as well as by regular mail if all of
36 the following requirements are satisfied:

37 (1) The county, or city and county, and the court choose to
38 permit service by electronic mail.

39 (2) The child is 14 or 15 years of age.

1 (3) The child has consented to service by electronic mail by
2 signing Judicial Council Form EFS-005.

3 (4) The attorney for the child has consented to service of the
4 minor by electronic mail by signing Judicial Council Form
5 EFS-005.

6 (i) This section shall remain in effect only until January 1, 2019,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2019, deletes or extends that date.

9 SEC. 2. Section 290.1 is added to the Welfare and Institutions
10 Code, to read:

11 290.1. If the probation officer or social worker determines that
12 the child shall be retained in custody, he or she shall immediately
13 file a petition pursuant to Section 332 with the clerk of the juvenile
14 court, who shall set the matter for hearing on the detention hearing
15 calendar. The probation officer or social worker shall serve notice
16 as prescribed in this section.

17 (a) Notice shall be given to the following persons whose
18 whereabouts are known or become known prior to the initial
19 petition hearing:

20 (1) The mother.

21 (2) The father or fathers, presumed and alleged.

22 (3) The legal guardian or guardians.

23 (4) The child, if the child is 10 years of age or older.

24 (5) Any known sibling of the child who is the subject of the
25 hearing if that sibling either is the subject of a dependency
26 proceeding or has been adjudged to be a dependent child of the
27 juvenile court. If the sibling is 10 years of age or older, the sibling,
28 the sibling's caregiver, and the sibling's attorney. If the sibling is
29 under 10 years of age, the sibling's caregiver and the sibling's
30 attorney. However, notice is not required to be given to any sibling
31 whose matter is calendared in the same court on the same day.

32 (6) If there is no parent or guardian residing in California, or if
33 the residence is unknown, then to any adult relative residing within
34 the county, ~~or~~ or, if none, the adult relative residing nearest the
35 court.

36 (7) The attorney for the parent or parents, or legal guardian or
37 guardians.

38 (8) The district attorney, if the district attorney has notified the
39 clerk of the court that he or she wishes to receive the petition,
40 containing the time, date, and place of the hearing.

1 (9) The probate department of the superior court that appointed
2 the guardian, if the child is a ward of a guardian appointed pursuant
3 to the Probate Code.

4 (b) No notice is required for a parent whose parental rights have
5 been terminated.

6 (c) The notice shall be given as soon as possible after the filing
7 of the petition.

8 (d) The notice of the initial petition hearing shall include all of
9 the following:

10 (1) The date, time, and place of the hearing.

11 (2) The name of the child.

12 (3) A copy of the petition.

13 (e) Service of the notice shall be written or oral. If the person
14 being served cannot read, notice shall be given orally.

15 (f) If the probation officer or social worker knows or has reason
16 to know that an Indian child is involved, notice shall be given in
17 accordance with Section 224.2.

18 (g) This section shall become operative on January 1, 2019.

19 SEC. 3. Section 290.2 of the Welfare and Institutions Code is
20 amended to read:

21 290.2. Upon the filing of a petition by a probation officer or
22 social worker, the clerk of the juvenile court shall issue notice, to
23 which shall be attached a copy of the petition, and he or she shall
24 cause the same to be served as prescribed in this section.

25 (a) Notice shall be given to the following persons whose address
26 is known or becomes known prior to the initial petition hearing:

27 (1) The mother.

28 (2) The father or fathers, presumed and alleged.

29 (3) The legal guardian or guardians.

30 (4) The child, if the child is 10 years of age or older.

31 (5) Any known sibling of the child who is the subject of the
32 hearing if that sibling either is the subject of a dependency
33 proceeding or has been adjudged to be a dependent child of the
34 juvenile court. If the sibling is 10 years of age or older, the sibling,
35 the sibling's caregiver, and the sibling's attorney. If the sibling is
36 under 10 years of age, the sibling's caregiver and the sibling's
37 attorney. However, notice is not required to be given to any sibling
38 whose matter is calendared in the same court on the same day.

1 (6) If there is no parent or guardian residing in California, or if
2 the residence is unknown, to any adult relative residing within the
3 county, ~~or~~ or; if none, the adult relative residing nearest the court.

4 (7) Upon reasonable notification by counsel representing the
5 child, parent, or guardian, the clerk of the court shall give notice
6 to that counsel as soon as possible.

7 (8) The district attorney, if the district attorney has notified the
8 clerk of the court that he or she wishes to receive the petition,
9 containing the time, date, and place of the hearing.

10 (9) The probate department of the superior court that appointed
11 the guardian, if the child is a ward of a guardian appointed pursuant
12 to the Probate Code.

13 (b) No notice is required for a parent whose parental rights have
14 been terminated.

15 (c) Notice shall be served as follows:

16 (1) If the child is retained in custody, the notice shall be given
17 to the persons required to be noticed as soon as possible, and at
18 least five days before the hearing, unless the hearing is set to be
19 heard in less than five days in which case notice shall be given at
20 least 24 hours prior to the hearing.

21 (2) If the child is not retained in custody, the notice shall be
22 given to those persons required to be noticed at least 10 days prior
23 to the date of the hearing. If any person who is required to be given
24 notice is known to reside outside of the county, the clerk of the
25 juvenile court shall mail the notice and copy of the petition by
26 first-class mail to that person as soon as possible after the filing
27 of the petition and at least 10 days before the time set for hearing.
28 Failure to respond to the notice is not cause for an arrest or
29 detention. In the instance of a failure to appear after notice by
30 first-class mail, the court shall direct that the notice and copy of
31 the petition be personally served on all persons required to receive
32 the notice and copy of the petition. For these purposes, personal
33 service of the notice and copy of the petition outside of the county
34 at least 10 days before the time set for hearing is equivalent to
35 service by first-class mail. Service may be waived by any person
36 by a voluntary appearance entered in the minutes of the court or
37 by a written waiver of service filed with the clerk of the court at,
38 or prior to, the hearing.

39 (3) Except as provided in subdivisions (e), (f), and (g), notice
40 may be served by electronic mail in lieu of notice by first-class

1 mail if the county, or city and county, and the court choose to
2 permit service by electronic mail and the person to be served has
3 consented to service by electronic mail by signing Judicial Council
4 Form EFS-005.

5 (d) The notice of the initial petition hearing shall include all of
6 the following:

- 7 (1) The date, time, and place of the hearing.
- 8 (2) The name of the child.
- 9 (3) A copy of the petition.

10 (e) If the court knows or has reason to know that an Indian child
11 is involved, notice shall be given in accordance with Section 224.2.

12 (f) Except as provided in subdivision (g), if notice is required
13 to be provided to a child pursuant to paragraph (4) or (5) of
14 subdivision (a), written notice may be served on the child by
15 electronic mail only if all of the following requirements are
16 satisfied:

17 (1) The county, or city and county, and the court choose to
18 permit service by electronic mail.

19 (2) The child is 16 years of age or older.

20 (3) The child has consented to service by electronic mail by
21 signing Judicial Council Form EFS-005.

22 (4) The attorney for the child has consented to service of the
23 minor by electronic mail by signing Judicial Council Form
24 EFS-005.

25 (g) If notice is required to be provided to a child pursuant to
26 paragraph (4) or (5) of subdivision (a), written notice may be served
27 on the child by electronic mail as well as by regular mail if all of
28 the following requirements are satisfied:

29 (1) The county, or city and county, and the court choose to
30 permit service by electronic mail.

31 (2) The child is 14 or 15 years of age.

32 (3) The child has consented to service by electronic mail by
33 signing Judicial Council Form EFS-005.

34 (4) The attorney for the child has consented to service of the
35 minor by electronic mail by signing Judicial Council Form
36 EFS-005.

37 (h) This section shall remain in effect only until January 1, 2019,
38 and as of that date is repealed, unless a later enacted statute, that
39 is enacted before January 1, 2019, deletes or extends that date.

1 SEC. 4. Section 290.2 is added to the Welfare and Institutions
2 Code, to read:

3 290.2. Upon the filing of a petition by a probation officer or
4 social worker, the clerk of the juvenile court shall issue notice, to
5 which shall be attached a copy of the petition, and he or she shall
6 cause the same to be served as prescribed in this section.

7 (a) Notice shall be given to the following persons whose address
8 is known or becomes known prior to the initial petition hearing:

9 (1) The mother.

10 (2) The father or fathers, presumed and alleged.

11 (3) The legal guardian or guardians.

12 (4) The child, if the child is 10 years of age or older.

13 (5) Any known sibling of the child who is the subject of the
14 hearing if that sibling either is the subject of a dependency
15 proceeding or has been adjudged to be a dependent child of the
16 juvenile court. If the sibling is 10 years of age or older, the sibling,
17 the sibling's caregiver, and the sibling's attorney. If the sibling is
18 under 10 years of age, the sibling's caregiver and the sibling's
19 attorney. However, notice is not required to be given to any sibling
20 whose matter is calendared in the same court on the same day.

21 (6) If there is no parent or guardian residing in California, or if
22 the residence is unknown, to any adult relative residing within the
23 county, ~~or~~ or, if none, the adult relative residing nearest the court.

24 (7) Upon reasonable notification by counsel representing the
25 child, parent, or guardian, the clerk of the court shall give notice
26 to that counsel as soon as possible.

27 (8) The district attorney, if the district attorney has notified the
28 clerk of the court that he or she wishes to receive the petition,
29 containing the time, date, and place of the hearing.

30 (9) The probate department of the superior court that appointed
31 the guardian, if the child is a ward of a guardian appointed pursuant
32 to the Probate Code.

33 (b) No notice is required for a parent whose parental rights have
34 been terminated.

35 (c) Notice shall be served as follows:

36 (1) If the child is retained in custody, the notice shall be given
37 to the persons required to be noticed as soon as possible, and at
38 least five days before the hearing, unless the hearing is set to be
39 heard in less than five days in which case notice shall be given at
40 least 24 hours prior to the hearing.

(2) If the child is not retained in custody, the notice shall be given to those persons required to be noticed at least 10 days prior to the date of the hearing. If any person who is required to be given notice is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition by first-class mail to that person as soon as possible after the filing of the petition and at least 10 days before the time set for hearing. Failure to respond to the notice is not cause for an arrest or detention. In the instance of a failure to appear after notice by first-class mail, the court shall direct that the notice and copy of the petition be personally served on all persons required to receive the notice and copy of the petition. For these purposes, personal service of the notice and copy of the petition outside of the county at least 10 days before the time set for hearing is equivalent to service by first-class mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at, or prior to, the hearing.

(d) The notice of the initial petition hearing shall include all of the following:

- (1) The date, time, and place of the hearing.
- (2) The name of the child.
- (3) A copy of the petition.

(e) If the court knows or has reason to know that an Indian child is involved, notice shall be given in accordance with Section 224.2.

(f) This section shall become operative on January 1, 2019.

SEC. 5. Section 291 of the Welfare and Institutions Code is amended to read:

291. After the initial petition hearing, the clerk of the court shall cause the notice to be served in the following manner:

(a) Notice of the hearing shall be given to the following persons:

- (1) The mother.
- (2) The father or fathers, presumed and alleged.
- (3) The legal guardian or guardians.
- (4) The child, if the child is 10 years of age or older.
- (5) Any known sibling of the child who is the subject of the

hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is

1 under 10 years of age, the sibling's caregiver and the sibling's
2 attorney. However, notice is not required to be given to any sibling
3 whose matter is calendared in the same court on the same day.

4 (6) Each attorney of record unless counsel of record is present
5 in court when the hearing is scheduled, then no further notice need
6 be given.

7 (7) If there is no parent or guardian residing in California, or if
8 the residence is unknown, then to any adult relative residing within
9 the county, ~~or~~ or; if none, the adult relative residing nearest the
10 court.

11 (8) If the hearing is a dispositional hearing that is also serving
12 as a permanency hearing pursuant to subdivision (f) of Section
13 361.5, notice shall be given to the current caregiver for the child,
14 including foster parents, relative caregivers, preadoptive parents,
15 and nonrelative extended family members. Any person notified
16 may attend all hearings and may submit any information he or she
17 deems relevant to the court in writing.

18 (b) No notice is required for a parent whose parental rights have
19 been terminated.

20 (c) Notice shall be served as follows:

21 (1) If the child is detained, the notice shall be given to the
22 persons required to be noticed as soon as possible, and at least five
23 days before the hearing, unless the hearing is set less than five
24 days and then at least 24 hours prior to the hearing.

25 (2) If the child is not detained, the notice shall be given to those
26 persons required to be noticed at least 10 days prior to the date of
27 the hearing.

28 (d) The notice shall include all of the following:

29 (1) The name and address of the person notified.

30 (2) The nature of the hearing.

31 (3) Each section and subdivision under which the proceeding
32 has been initiated.

33 (4) The date, time, and place of the hearing.

34 (5) The name of the child upon whose behalf the petition has
35 been brought.

36 (6) A statement that:

37 (A) If they fail to appear, the court may proceed without them.

38 (B) The child, parent, guardian, Indian custodian, or adult
39 relative to whom notice is required to be given pursuant to

1 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
2 have an attorney present at the hearing.

3 (C) If the parent, guardian, Indian custodian, or adult relative
4 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
5 (a) is indigent and cannot afford an attorney, and desires to be
6 represented by an attorney, the parent, guardian, Indian custodian,
7 or adult relative shall promptly notify the clerk of the juvenile
8 court.

9 (D) If an attorney is appointed to represent the parent, guardian,
10 Indian custodian, or adult relative, the represented person shall be
11 liable for all or a portion of the costs to the extent of his or her
12 ability to pay.

13 (E) The parent, guardian, Indian custodian, or adult relative may
14 be liable for the costs of support of the child in any out-of-home
15 placement.

16 (7) A copy of the petition.

17 (e) Service of the notice of the hearing shall be given in the
18 following manner:

19 (1) If the child is detained and the persons required to be noticed
20 are not present at the initial petition hearing, they shall be noticed
21 by personal service or by certified mail, return receipt requested.

22 (2) If the child is detained and the persons required to be noticed
23 are present at the initial petition hearing, they shall be noticed by
24 personal service or by first-class mail.

25 (3) If the child is not detained, the persons required to be noticed
26 shall be noticed by personal service or by first-class mail, unless
27 the person to be served is known to reside outside the county, in
28 which case service shall be by first-class mail.

29 (4) Except as provided in subdivisions (g), (h), and (i), notice
30 may be served by electronic mail in lieu of notice by first-class
31 mail if the county, or city and county, and the court choose to
32 permit service by electronic mail and the person to be served has
33 consented to service by electronic mail by signing Judicial Council
34 Form EFS-005.

35 (f) Any of the notices required to be given under this section or
36 Sections 290.1 and 290.2 may be waived by a party in person or
37 through his or her attorney, or by a signed written waiver filed on
38 or before the date scheduled for the hearing.

39 (g) If the court knows or has reason to know that an Indian child
40 is involved, notice shall be given in accordance with Section 224.2.

(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic mail only if all of the following requirements are satisfied:

(1) The county, or city and county, and the court choose to permit service by electronic mail.

(2) The child is 16 years of age or older.

(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.

(4) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.

(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic mail as well as by regular mail if all of the following requirements are satisfied:

(1) The county, or city and county, and the court choose to permit service by electronic mail.

(2) The child is 14 or 15 years of age.

(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.

(4) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.

(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 6. Section 291 is added to the Welfare and Institutions Code, to read:

291. After the initial petition hearing, the clerk of the court shall cause the notice to be served in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The father or fathers, presumed and alleged.

(3) The legal guardian or guardians.

(4) The child, if the child is 10 years of age or older.

(5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the

1 juvenile court. If the sibling is 10 years of age or older, the sibling,
2 the sibling's caregiver, and the sibling's attorney. If the sibling is
3 under 10 years of age, the sibling's caregiver and the sibling's
4 attorney. However, notice is not required to be given to any sibling
5 whose matter is calendared in the same court on the same day.

6 (6) Each attorney of record unless counsel of record is present
7 in court when the hearing is scheduled, then no further notice need
8 be given.

9 (7) If there is no parent or guardian residing in California, or if
10 the residence is unknown, then to any adult relative residing within
11 the county, ~~or~~ or; if none, the adult relative residing nearest the
12 court.

13 (8) If the hearing is a dispositional hearing that is also serving
14 as a permanency hearing pursuant to subdivision (f) of Section
15 361.5, notice shall be given to the current caregiver for the child,
16 including foster parents, relative caregivers, preadoptive parents,
17 and nonrelative extended family members. Any person notified
18 may attend all hearings and may submit any information he or she
19 deems relevant to the court in writing.

20 (b) No notice is required for a parent whose parental rights have
21 been terminated.

22 (c) Notice shall be served as follows:

23 (1) If the child is detained, the notice shall be given to the
24 persons required to be noticed as soon as possible, and at least five
25 days before the hearing, unless the hearing is set less than five
26 days and then at least 24 hours prior to the hearing.

27 (2) If the child is not detained, the notice shall be given to those
28 persons required to be noticed at least 10 days prior to the date of
29 the hearing.

30 (d) The notice shall include all of the following:

31 (1) The name and address of the person notified.

32 (2) The nature of the hearing.

33 (3) Each section and subdivision under which the proceeding
34 has been initiated.

35 (4) The date, time, and place of the hearing.

36 (5) The name of the child upon whose behalf the petition has
37 been brought.

38 (6) A statement that:

39 (A) If they fail to appear, the court may proceed without them.

1 (B) The child, parent, guardian, Indian custodian, or adult
2 relative to whom notice is required to be given pursuant to
3 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
4 have an attorney present at the hearing.

5 (C) If the parent, guardian, Indian custodian, or adult relative
6 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
7 (a) is indigent and cannot afford an attorney, and desires to be
8 represented by an attorney, the parent, guardian, Indian custodian,
9 or adult relative shall promptly notify the clerk of the juvenile
10 court.

11 (D) If an attorney is appointed to represent the parent, guardian,
12 Indian custodian, or adult relative, the represented person shall be
13 liable for all or a portion of the costs to the extent of his or her
14 ability to pay.

15 (E) The parent, guardian, Indian custodian, or adult relative may
16 be liable for the costs of support of the child in any out-of-home
17 placement.

18 (7) A copy of the petition.

19 (e) Service of the notice of the hearing shall be given in the
20 following manner:

21 (1) If the child is detained and the persons required to be noticed
22 are not present at the initial petition hearing, they shall be noticed
23 by personal service or by certified mail, return receipt requested.

24 (2) If the child is detained and the persons required to be noticed
25 are present at the initial petition hearing, they shall be noticed by
26 personal service or by first-class mail.

27 (3) If the child is not detained, the persons required to be noticed
28 shall be noticed by personal service or by first-class mail, unless
29 the person to be served is known to reside outside the county, in
30 which case service shall be by first-class mail.

31 (f) Any of the notices required to be given under this section or
32 Sections 290.1 and 290.2 may be waived by a party in person or
33 through his or her attorney, or by a signed written waiver filed on
34 or before the date scheduled for the hearing.

35 (g) If the court knows or has reason to know that an Indian child
36 is involved, notice shall be given in accordance with Section 224.2.

37 (h) This section shall become operative on January 1, 2019.

38 SEC. 7. Section 292 of the Welfare and Institutions Code is
39 amended to read:

1 292. The social worker or probation officer shall give notice
2 of the review hearing held pursuant to Section 364 in the following
3 manner:

4 (a) Notice of the hearing shall be given to the following persons:

5 (1) The mother.

6 (2) The presumed father or any father receiving services.

7 (3) The legal guardian or guardians.

8 (4) The child, if the child is 10 years of age or older.

9 (5) Any known sibling of the child who is the subject of the
10 hearing if that sibling either is the subject of a dependency
11 proceeding or has been adjudged to be a dependent child of the
12 juvenile court. If the sibling is 10 years of age or older, the sibling,
13 the sibling's caregiver, and the sibling's attorney. If the sibling is
14 under 10 years of age, the sibling's caregiver and the sibling's
15 attorney. However, notice is not required to be given to any sibling
16 whose matter is calendared in the same court on the same day.

17 (6) Each attorney of record, if that attorney was not present at
18 the time that the hearing was set by the court.

19 (b) No notice is required for a parent whose parental rights have
20 been terminated.

21 (c) The notice of the hearing shall be served not earlier than 30
22 days, nor later than 15 days, before the hearing.

23 (d) The notice shall contain a statement regarding the nature of
24 the hearing to be held and any change in the custody or status of
25 the child being recommended by the supervising agency. The
26 notice shall also include a statement that the child and the parent
27 or parents or legal guardian or guardians have a right to be present
28 at the hearing, to be represented by counsel at the hearing and the
29 procedure for obtaining appointed counsel, and to present evidence
30 regarding the proper disposition of the case. The notice shall also
31 state that if the parent or parents or legal guardian or guardians
32 fail to appear, the court may proceed without them.

33 (e) Service of the notice shall be by personal service, by
34 first-class mail, or by certified mail, return receipt requested,
35 addressed to the last known address of the person to be noticed.
36 Except as provided in subdivisions (f), (g), and (h), notice may be
37 served by electronic mail if the county, or city and county, and the
38 court choose to permit service by electronic mail and the person
39 to be served has consented to service by electronic mail by signing
40 Judicial Council Form EFS-005.

1 (f) If the social worker or the probation officer knows or has
2 reason to know that an Indian child is involved, notice shall be
3 given in accordance with Section 224.2.

4 (g) Except as provided in subdivision (h), if notice is required
5 to be provided to a child pursuant to paragraph (4) or (5) of
6 subdivision (a), written notice may be served on the child by
7 electronic mail only if all of the following requirements are
8 satisfied:

9 (1) The county, or city and county, and the court choose to
10 permit service by electronic mail.

11 (2) The child is 16 years of age or older.

12 (3) The child has consented to service by electronic mail by
13 signing Judicial Council Form EFS-005.

14 (4) The attorney for the child has consented to service of the
15 minor by electronic mail by signing Judicial Council Form
16 EFS-005.

17 (h) If notice is required to be provided to a child pursuant to
18 paragraph (4) or (5) of subdivision (a), written notice may be served
19 on the child by electronic mail as well as by regular mail if all of
20 the following requirements are satisfied:

21 (1) The county, or city and county, and the court choose to
22 permit service by electronic mail.

23 (2) The child is 14 or 15 years of age.

24 (3) The child has consented to service by electronic mail by
25 signing Judicial Council Form EFS-005.

26 (4) The attorney for the child has consented to service of the
27 minor by electronic mail by signing Judicial Council Form
28 EFS-005.

29 (i) This section shall remain in effect only until January 1, 2019,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2019, deletes or extends that date.

32 SEC. 8. Section 292 is added to the Welfare and Institutions
33 Code, to read:

34 292. The social worker or probation officer shall give notice
35 of the review hearing held pursuant to Section 364 in the following
36 manner:

37 (a) Notice of the hearing shall be given to the following persons:

38 (1) The mother.

39 (2) The presumed father or any father receiving services.

40 (3) The legal guardian or guardians.

1 (4) The child, if the child is 10 years of age or older.

2 (5) Any known sibling of the child who is the subject of the
3 hearing if that sibling either is the subject of a dependency
4 proceeding or has been adjudged to be a dependent child of the
5 juvenile court. If the sibling is 10 years of age or older, the sibling,
6 the sibling's caregiver, and the sibling's attorney. If the sibling is
7 under 10 years of age, the sibling's caregiver and the sibling's
8 attorney. However, notice is not required to be given to any sibling
9 whose matter is calendared in the same court on the same day.

10 (6) Each attorney of record, if that attorney was not present at
11 the time that the hearing was set by the court.

12 (b) No notice is required for a parent whose parental rights have
13 been terminated.

14 (c) The notice of the hearing shall be served not earlier than 30
15 days, nor later than 15 days, before the hearing.

16 (d) The notice shall contain a statement regarding the nature of
17 the hearing to be held and any change in the custody or status of
18 the child being recommended by the supervising agency. The
19 notice shall also include a statement that the child and the parent
20 or parents or legal guardian or guardians have a right to be present
21 at the hearing, to be represented by counsel at the hearing and the
22 procedure for obtaining appointed counsel, and to present evidence
23 regarding the proper disposition of the case. The notice shall also
24 state that if the parent or parents or legal guardian or guardians
25 fail to appear, the court may proceed without them.

26 (e) Service of the notice shall be by personal service, by
27 first-class mail, or by certified mail, return receipt requested,
28 addressed to the last known address of the person to be noticed.

29 (f) If the social worker or the probation officer knows or has
30 reason to know that an Indian child is involved, notice shall be
31 given in accordance with Section 224.2.

32 (g) This section shall become operative on January 1, 2019.

33 SEC. 9. Section 293 of the Welfare and Institutions Code is
34 amended to read:

35 293. The social worker or probation officer shall give notice
36 of the review hearings held pursuant to Section 366.21, 366.22,
37 or 366.25 in the following manner:

38 (a) Notice of the hearing shall be given to the following persons:

39 (1) The mother.

40 (2) The presumed father or any father receiving services.

1 (3) The legal guardian or guardians.

2 (4) The child, if the child is 10 years of age or older.

3 (5) Any known sibling of the child who is the subject of the
4 hearing if that sibling either is the subject of a dependency
5 proceeding or has been adjudged to be a dependent child of the
6 juvenile court. If the sibling is 10 years of age or older, the sibling,
7 the sibling's caregiver, and the sibling's attorney. If the sibling is
8 under 10 years of age, the sibling's caregiver and the sibling's
9 attorney. However, notice is not required to be given to any sibling
10 whose matter is calendared in the same court on the same day.

11 (6) In the case of a child removed from the physical custody of
12 his or her parent or legal guardian, the current caregiver of the
13 child, including the foster parents, relative caregivers, preadoptive
14 parents, nonrelative extended family members, community care
15 facility, or foster family agency having custody of the child. In a
16 case in which a foster family agency is notified of the hearing
17 pursuant to this section, and the child resides in a foster home
18 certified by the foster family agency, the foster family agency shall
19 provide timely notice of the hearing to the child's caregivers.

20 (7) Each attorney of record if that attorney was not present at
21 the time that the hearing was set by the court.

22 (b) No notice is required for a parent whose parental rights have
23 been terminated. On and after January 1, 2012, in the case of a
24 nonminor dependent, as described in subdivision (v) of Section
25 11400, no notice is required for a parent.

26 (c) The notice of hearing shall be served not earlier than 30
27 days, nor later than 15 days, before the hearing.

28 (d) The notice shall contain a statement regarding the nature of
29 the hearing to be held and any change in the custody or status of
30 the child being recommended by the supervising agency. If the
31 notice is to the child, parent or parents, or legal guardian or
32 guardians, the notice shall also advise them of the right to be
33 present, the right to be represented by counsel, the right to request
34 counsel, and the right to present evidence. The notice shall also
35 state that if the parent or parents or legal guardian or guardians
36 fail to appear, the court may proceed without them.

37 (e) Service of the notice shall be by first-class mail addressed
38 to the last known address of the person to be noticed or by personal
39 service on the person. Service of a copy of the notice shall be by
40 personal service or by certified mail, return receipt requested, or

1 any other form of notice that is equivalent to service by first-class
2 mail. Except as provided in subdivisions (g), (h), and (i), notice
3 may be served by electronic mail in lieu of notice by first-class
4 mail if the county, or city and county, and the court choose to
5 permit service by electronic mail and the person to be served has
6 consented to service by electronic mail by signing Judicial Council
7 Form EFS-005.

8 (f) Notice to the current caregiver of the child, including a foster
9 parent, a relative caregiver, a preadoptive parent, or a nonrelative
10 extended family member, or to a certified foster parent who has
11 been approved for adoption, or the State Department of Social
12 Services when it is acting as an adoption agency or by a county
13 adoption agency, shall indicate that the person notified may attend
14 all hearings or may submit any information he or she deems
15 relevant to the court in writing.

16 (g) If the social worker or probation officer knows or has reason
17 to know that an Indian child is involved, notice shall be given in
18 accordance with Section 224.2.

19 (h) Except as provided in subdivision (i), if notice is required
20 to be provided to a child pursuant to paragraph (4) or (5) of
21 subdivision (a), written notice may be served on the child by
22 electronic mail only if all of the following requirements are
23 satisfied:

24 (1) The county, or city and county, and the court choose to
25 permit service by electronic mail.

26 (2) The child is 16 years of age or older.

27 (3) The child has consented to service by electronic mail by
28 signing Judicial Council Form EFS-005.

29 (4) The attorney for the child has consented to service of the
30 minor by electronic mail by signing Judicial Council Form
31 EFS-005.

32 (i) If notice is required to be provided to a child pursuant to
33 paragraph (4) or (5) of subdivision (a), written notice may be served
34 on the child by electronic mail as well as by regular mail if all of
35 the following requirements are satisfied:

36 (1) The county, or city and county, and the court choose to
37 permit service by electronic mail.

38 (2) The child is 14 or 15 years of age.

39 (3) The child has consented to service by electronic mail by
40 signing Judicial Council Form EFS-005.

1 (4) The attorney for the child has consented to service of the
2 minor by electronic mail by signing Judicial Council Form
3 EFS-005.

4 (j) This section shall remain in effect only until January 1, 2019,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2019, deletes or extends that date.

7 SEC. 10. Section 293 is added to the Welfare and Institutions
8 Code, to read:

9 293. The social worker or probation officer shall give notice
10 of the review hearings held pursuant to Section 366.21, 366.22,
11 or 366.25 in the following manner:

12 (a) Notice of the hearing shall be given to the following persons:

13 (1) The mother.

14 (2) The presumed father or any father receiving services.

15 (3) The legal guardian or guardians.

16 (4) The child, if the child is 10 years of age or older.

17 (5) Any known sibling of the child who is the subject of the
18 hearing if that sibling either is the subject of a dependency
19 proceeding or has been adjudged to be a dependent child of the
20 juvenile court. If the sibling is 10 years of age or older, the sibling,
21 the sibling's caregiver, and the sibling's attorney. If the sibling is
22 under 10 years of age, the sibling's caregiver and the sibling's
23 attorney. However, notice is not required to be given to any sibling
24 whose matter is calendared in the same court on the same day.

25 (6) In the case of a child removed from the physical custody of
26 his or her parent or legal guardian, the current caregiver of the
27 child, including the foster parents, relative caregivers, preadoptive
28 parents, nonrelative extended family members, community care
29 facility, or foster family agency having custody of the child. In a
30 case in which a foster family agency is notified of the hearing
31 pursuant to this section, and the child resides in a foster home
32 certified by the foster family agency, the foster family agency shall
33 provide timely notice of the hearing to the child's caregivers.

34 (7) Each attorney of record if that attorney was not present at
35 the time that the hearing was set by the court.

36 (b) No notice is required for a parent whose parental rights have
37 been terminated. On and after January 1, 2012, in the case of a
38 nonminor dependent, as described in subdivision (v) of Section
39 11400, no notice is required for a parent.

1 (c) The notice of hearing shall be served not earlier than 30
2 days, nor later than 15 days, before the hearing.

3 (d) The notice shall contain a statement regarding the nature of
4 the hearing to be held and any change in the custody or status of
5 the child being recommended by the supervising agency. If the
6 notice is to the child, parent or parents, or legal guardian or
7 guardians, the notice shall also advise them of the right to be
8 present, the right to be represented by counsel, the right to request
9 counsel, and the right to present evidence. The notice shall also
10 state that if the parent or parents or legal guardian or guardians
11 fail to appear, the court may proceed without them.

12 (e) Service of the notice shall be by first-class mail addressed
13 to the last known address of the person to be noticed or by personal
14 service on the person. Service of a copy of the notice shall be by
15 personal service or by certified mail, return receipt requested, or
16 any other form of notice that is equivalent to service by first-class
17 mail.

18 (f) Notice to the current caregiver of the child, including a foster
19 parent, a relative caregiver, a preadoptive parent, or a nonrelative
20 extended family member, or to a certified foster parent who has
21 been approved for adoption, or the State Department of Social
22 Services when it is acting as an adoption agency or by a county
23 adoption agency, shall indicate that the person notified may attend
24 all hearings or may submit any information he or she deems
25 relevant to the court in writing.

26 (g) If the social worker or probation officer knows or has reason
27 to know that an Indian child is involved, notice shall be given in
28 accordance with Section 224.2.

29 (h) This section shall become operative on January 1, 2019.

30 SEC. 11. Section 294 of the Welfare and Institutions Code is
31 amended to read:

32 294. The social worker or probation officer shall give notice
33 of a selection and implementation hearing held pursuant to Section
34 366.26 in the following manner:

35 (a) Notice of the hearing shall be given to the following persons:

36 (1) The mother.

37 (2) The fathers, presumed and alleged.

38 (3) The child, if the child is 10 years of age or older.

39 (4) Any known sibling of the child who is the subject of the
40 hearing if that sibling either is the subject of a dependency

1 proceeding or has been adjudged to be a dependent child of the
2 juvenile court. If the sibling is 10 years of age or older, the sibling,
3 the sibling's caregiver, and the sibling's attorney. If the sibling is
4 under 10 years of age, the sibling's caregiver and the sibling's
5 attorney. However, notice is not required to be given to any sibling
6 whose matter is calendared in the same court on the same day.

7 (5) The grandparents of the child, if their address is known and
8 if the parent's whereabouts are unknown.

9 (6) All counsel of record.

10 (7) To any unknown parent by publication, if ordered by the
11 court pursuant to paragraph (2) of subdivision (g).

12 (8) The current caregiver of the child, including foster parents,
13 relative caregivers, preadoptive parents, and nonrelative extended
14 family members. Any person notified may attend all hearings and
15 may submit any information he or she deems relevant to the court
16 in writing.

17 (b) The following persons shall not be notified of the hearing:

18 (1) A parent who has relinquished the child to the State
19 Department of Social Services, county adoption agency, or licensed
20 adoption agency for adoption, and the relinquishment has been
21 accepted and filed with notice as required under Section 8700 of
22 the Family Code.

23 (2) An alleged father who has denied paternity and has executed
24 a waiver of the right to notice of further proceedings.

25 (3) A parent whose parental rights have been terminated.

26 (c) (1) Service of the notice shall be completed at least 45 days
27 before the hearing date. Service is deemed complete at the time
28 the notice is personally delivered to the person named in the notice
29 or 10 days after the notice has been placed in the mail or sent by
30 electronic mail, or at the expiration of the time prescribed by the
31 order for publication.

32 (2) Service of notice in cases where publication is ordered shall
33 be completed at least 30 days before the date of the hearing.

34 (d) Regardless of the type of notice required, or the manner in
35 which it is served, once the court has made the initial finding that
36 notice has properly been given to the parent, or to any person
37 entitled to receive notice pursuant to this section, subsequent notice
38 for any continuation of a Section 366.26 hearing may be by
39 first-class mail to any last known address, by an order made
40 pursuant to Section 296, except as provided in paragraphs (2) and

(3) of subdivision (h) and subdivision (i), by electronic mail if the county, or city and county, and the court choose to permit service by electronic mail and the person to be served has consented to service by electronic mail by signing Judicial Council Form EFS-005, or by any other means that the court determines is reasonably calculated, under any circumstance, to provide notice of the continued hearing. However, if the recommendation changes from the recommendation contained in the notice previously found to be proper, notice shall be provided to the parent, and to any person entitled to receive notice pursuant to this section, regarding that subsequent hearing.

(e) The notice shall contain the following information:

(1) The date, time, and place of the hearing.

(2) The right to appear.

(3) The parents' right to counsel.

(4) The nature of the proceedings.

(5) The recommendation of the supervising agency.

(6) A statement that, at the time of hearing, the court is required to select a permanent plan of adoption, legal guardianship, or long-term foster care for the child.

(f) Notice to the parents may be given in any one of the following manners:

(1) If the parent is present at the hearing at which the court schedules a hearing pursuant to Section 366.26, the court shall advise the parent of the date, time, and place of the proceedings, their right to counsel, the nature of the proceedings, and the requirement that at the proceedings the court shall select and implement a plan of adoption, legal guardianship, or long-term foster care for the child. The court shall direct the parent to appear for the proceedings and then direct that the parent be notified thereafter by first-class mail to the parent's usual place of residence or business only. In lieu of notice by first-class mail, notice may be served by electronic mail if the county, or city and county, and the court choose to permit service by electronic mail and the person to be served has consented to service by electronic mail by signing Judicial Council Form EFS-005.

(2) Certified mail, return receipt requested, to the parent's last known mailing address. This notice shall be sufficient if the child welfare agency receives a return receipt signed by the parent.

(3) Personal service to the parent named in the notice.

1 (4) Delivery to a competent person who is at least 18 years of
2 age at the parent's usual place of residence or business, and
3 thereafter mailed to the parent named in the notice by first-class
4 mail at the place where the notice was delivered.

5 (5) If the residence of the parent is outside the state, service
6 may be made as described in paragraph (1), (3), or (4) or by
7 certified mail, return receipt requested.

8 (6) If the recommendation of the probation officer or social
9 worker is legal guardianship or long-term foster care, or, in the
10 case of an Indian child, tribal customary adoption, service may be
11 made by first-class mail to the parent's usual place of residence
12 or business. In lieu of notice by first-class mail, notice may be
13 served by electronic mail if the county, or city and county, and the
14 court choose to permit service by electronic mail and the person
15 to be served has consented to service by electronic mail by signing
16 Judicial Council Form EFS-005.

17 (7) If a parent's identity is known but his or her whereabouts
18 are unknown and the parent cannot, with reasonable diligence, be
19 served in any manner specified in paragraphs (1) to (6), inclusive,
20 the petitioner shall file an affidavit with the court at least 75 days
21 before the hearing date, stating the name of the parent and
22 describing the efforts made to locate and serve the parent.

23 (A) If the court determines that there has been due diligence in
24 attempting to locate and serve the parent and the probation officer
25 or social worker recommends adoption, service shall be to that
26 parent's attorney of record, if any, by certified mail, return receipt
27 requested. If the parent does not have an attorney of record, the
28 court shall order that service be made by publication of citation
29 requiring the parent to appear at the date, time, and place stated in
30 the citation, and that the citation be published in a newspaper
31 designated as most likely to give notice to the parent. Publication
32 shall be made once a week for four consecutive weeks. Whether
33 notice is to the attorney of record or by publication, the court shall
34 also order that notice be given to the grandparents of the child, if
35 their identities and addresses are known, by first-class mail.

36 (B) If the court determines that there has been due diligence in
37 attempting to locate and serve the parent and the probation officer
38 or social worker recommends legal guardianship or long-term
39 foster care, no further notice is required to the parent, but the court

1 shall order that notice be given to the grandparents of the child, if
2 their identities and addresses are known, by first-class mail.

3 (C) In any case where the residence of the parent becomes
4 known, notice shall immediately be served upon the parent as
5 provided for in either paragraph (2), (3), (4), (5), or (6).

6 (g) (1) If the identity of one or both of the parents, or alleged
7 parents, of the child is unknown, or if the name of one or both
8 parents is uncertain, then that fact shall be set forth in the affidavit
9 filed with the court at least 75 days before the hearing date and
10 the court, consistent with the provisions of Sections 7665 and 7666
11 of the Family Code, shall issue an order dispensing with notice to
12 a natural parent or possible natural parent under this section if,
13 after inquiry and a determination that there has been due diligence
14 in attempting to identify the unknown parent, the court is unable
15 to identify the natural parent or possible natural parent and no
16 person has appeared claiming to be the natural parent.

17 (2) After a determination that there has been due diligence in
18 attempting to identify an unknown parent pursuant to paragraph
19 (1) and the probation officer or social worker recommends
20 adoption, the court shall consider whether publication notice would
21 be likely to lead to actual notice to the unknown parent. The court
22 may order publication notice if, on the basis of all information
23 before the court, the court determines that notice by publication
24 is likely to lead to actual notice to the parent. If publication notice
25 to an unknown parent is ordered, the court shall order the published
26 citation to be directed to either the father or mother, or both, of
27 the child, and to all persons claiming to be the father or mother of
28 the child, naming and otherwise describing the child. An order of
29 publication pursuant to this paragraph shall be based on an affidavit
30 describing efforts made to identify the unknown parent or parents.
31 Service made by publication pursuant to this paragraph shall
32 require the unknown parent or parents to appear at the date, time,
33 and place stated in the citation. Publication shall be made once a
34 week for four consecutive weeks.

35 (3) If the court determines that there has been due diligence in
36 attempting to identify one or both of the parents, or alleged parents,
37 of the child and the probation officer or social worker recommends
38 legal guardianship or long-term foster care, no further notice to
39 the parent shall be required.

1 (h) (1) Notice to all counsel of record shall be by first-class
2 mail, or by electronic mail if the county, or city and county, and
3 the court choose to permit service by electronic mail and the person
4 to be served has consented to service by electronic mail by signing
5 Judicial Council Form EFS-005.

6 (2) Except as provided in paragraph (3), if notice is required to
7 be provided to a child, written notice may be served on the child
8 by electronic mail only if all of the following requirements are
9 satisfied:

10 (A) The county, or city and county, and the court choose to
11 permit service by electronic mail.

12 (B) The child is 16 years of age or older.

13 (C) The child has consented to service by electronic mail by
14 signing Judicial Council Form EFS-005.

15 (D) The attorney for the child has consented to service of the
16 minor by electronic mail by signing Judicial Council Form
17 EFS-005.

18 (3) If notice is required to be provided to a child, written notice
19 may be served on the child by electronic mail as well as by regular
20 mail if all of the following requirements are satisfied:

21 (A) The county, or city and county, and the court choose to
22 permit service by electronic mail.

23 (B) The child is 14 or 15 years of age.

24 (C) The child has consented to service by electronic mail by
25 signing Judicial Council Form EFS-005.

26 (D) The attorney for the child has consented to service of the
27 minor by electronic mail by signing Judicial Council Form
28 EFS-005.

29 (i) If the court knows or has reason to know that an Indian child
30 is involved, notice shall be given in accordance with Section 224.2.

31 (j) Notwithstanding subdivision (a), if the attorney of record is
32 present at the time the court schedules a hearing pursuant to Section
33 366.26, no further notice is required, except as required by
34 subparagraph (A) of paragraph (7) of subdivision (f).

35 (k) This section shall also apply to children adjudged wards
36 pursuant to Section 727.31.

37 (l) The court shall state the reasons on the record explaining
38 why good cause exists for granting any continuance of a hearing
39 held pursuant to Section 366.26 to fulfill the requirements of this
40 section.

(m) Notwithstanding any choice by a county, or city and county, and the court to permit service of written notice of court proceedings by electronic mail, or consent by any person to service of written notice by electronic mail by signing Judicial Council Form EFS-005, notice of any hearing at which the county welfare department is recommending the termination of parental rights may only be served by electronic mail if supplemental and in addition to the other forms of notice provided for in this section.

(n) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 12. Section 294 is added to the Welfare and Institutions Code, to read:

294. The social worker or probation officer shall give notice of a selection and implementation hearing held pursuant to Section 366.26 in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The fathers, presumed and alleged.

(3) The child, if the child is 10 years of age or older.

(4) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

(5) The grandparents of the child, if their address is known and if the parent's whereabouts are unknown.

(6) All counsel of record.

(7) To any unknown parent by publication, if ordered by the court pursuant to paragraph (2) of subdivision (g).

(8) The current caregiver of the child, including foster parents, relative caregivers, preadoptive parents, and nonrelative extended family members. Any person notified may attend all hearings and may submit any information he or she deems relevant to the court in writing.

(b) The following persons shall not be notified of the hearing:

1 (1) A parent who has relinquished the child to the State
2 Department of Social Services, county adoption agency, or licensed
3 adoption agency for adoption, and the relinquishment has been
4 accepted and filed with notice as required under Section 8700 of
5 the Family Code.

6 (2) An alleged father who has denied paternity and has executed
7 a waiver of the right to notice of further proceedings.

8 (3) A parent whose parental rights have been terminated.

9 (c) (1) Service of the notice shall be completed at least 45 days
10 before the hearing date. Service is deemed complete at the time
11 the notice is personally delivered to the person named in the notice
12 or 10 days after the notice has been placed in the mail, or at the
13 expiration of the time prescribed by the order for publication.

14 (2) Service of notice in cases where publication is ordered shall
15 be completed at least 30 days before the date of the hearing.

16 (d) Regardless of the type of notice required, or the manner in
17 which it is served, once the court has made the initial finding that
18 notice has properly been given to the parent, or to any person
19 entitled to receive notice pursuant to this section, subsequent notice
20 for any continuation of a Section 366.26 hearing may be by
21 first-class mail to any last known address, by an order made
22 pursuant to Section 296, or by any other means that the court
23 determines is reasonably calculated, under any circumstance, to
24 provide notice of the continued hearing. However, if the
25 recommendation changes from the recommendation contained in
26 the notice previously found to be proper, notice shall be provided
27 to the parent, and to any person entitled to receive notice pursuant
28 to this section, regarding that subsequent hearing.

29 (e) The notice shall contain the following information:

30 (1) The date, time, and place of the hearing.

31 (2) The right to appear.

32 (3) The parents' right to counsel.

33 (4) The nature of the proceedings.

34 (5) The recommendation of the supervising agency.

35 (6) A statement that, at the time of hearing, the court is required
36 to select a permanent plan of adoption, legal guardianship, or
37 long-term foster care for the child.

38 (f) Notice to the parents may be given in any one of the
39 following manners:

1 (1) If the parent is present at the hearing at which the court
2 schedules a hearing pursuant to Section 366.26, the court shall
3 advise the parent of the date, time, and place of the proceedings,
4 their right to counsel, the nature of the proceedings, and the
5 requirement that at the proceedings the court shall select and
6 implement a plan of adoption, legal guardianship, or long-term
7 foster care for the child. The court shall direct the parent to appear
8 for the proceedings and then direct that the parent be notified
9 thereafter by first-class mail to the parent's usual place of residence
10 or business only.

11 (2) Certified mail, return receipt requested, to the parent's last
12 known mailing address. This notice shall be sufficient if the child
13 welfare agency receives a return receipt signed by the parent.

14 (3) Personal service to the parent named in the notice.

15 (4) Delivery to a competent person who is at least 18 years of
16 age at the parent's usual place of residence or business, and
17 thereafter mailed to the parent named in the notice by first-class
18 mail at the place where the notice was delivered.

19 (5) If the residence of the parent is outside the state, service
20 may be made as described in paragraph (1), (3), or (4) or by
21 certified mail, return receipt requested.

22 (6) If the recommendation of the probation officer or social
23 worker is legal guardianship or long-term foster care, or, in the
24 case of an Indian child, tribal customary adoption, service may be
25 made by first-class mail to the parent's usual place of residence
26 or business.

27 (7) If a parent's identity is known but his or her whereabouts
28 are unknown and the parent cannot, with reasonable diligence, be
29 served in any manner specified in paragraphs (1) to (6), inclusive,
30 the petitioner shall file an affidavit with the court at least 75 days
31 before the hearing date, stating the name of the parent and
32 describing the efforts made to locate and serve the parent.

33 (A) If the court determines that there has been due diligence in
34 attempting to locate and serve the parent and the probation officer
35 or social worker recommends adoption, service shall be to that
36 parent's attorney of record, if any, by certified mail, return receipt
37 requested. If the parent does not have an attorney of record, the
38 court shall order that service be made by publication of citation
39 requiring the parent to appear at the date, time, and place stated in
40 the citation, and that the citation be published in a newspaper

1 designated as most likely to give notice to the parent. Publication
2 shall be made once a week for four consecutive weeks. Whether
3 notice is to the attorney of record or by publication, the court shall
4 also order that notice be given to the grandparents of the child, if
5 their identities and addresses are known, by first-class mail.

6 (B) If the court determines that there has been due diligence in
7 attempting to locate and serve the parent and the probation officer
8 or social worker recommends legal guardianship or long-term
9 foster care, no further notice is required to the parent, but the court
10 shall order that notice be given to the grandparents of the child, if
11 their identities and addresses are known, by first-class mail.

12 (C) In any case where the residence of the parent becomes
13 known, notice shall immediately be served upon the parent as
14 provided for in either paragraph (2), (3), (4), (5), or (6).

15 (g) (1) If the identity of one or both of the parents, or alleged
16 parents, of the child is unknown, or if the name of one or both
17 parents is uncertain, then that fact shall be set forth in the affidavit
18 filed with the court at least 75 days before the hearing date and
19 the court, consistent with the provisions of Sections 7665 and 7666
20 of the Family Code, shall issue an order dispensing with notice to
21 a natural parent or possible natural parent under this section if,
22 after inquiry and a determination that there has been due diligence
23 in attempting to identify the unknown parent, the court is unable
24 to identify the natural parent or possible natural parent and no
25 person has appeared claiming to be the natural parent.

26 (2) After a determination that there has been due diligence in
27 attempting to identify an unknown parent pursuant to paragraph
28 (1) and the probation officer or social worker recommends
29 adoption, the court shall consider whether publication notice would
30 be likely to lead to actual notice to the unknown parent. The court
31 may order publication notice if, on the basis of all information
32 before the court, the court determines that notice by publication
33 is likely to lead to actual notice to the parent. If publication notice
34 to an unknown parent is ordered, the court shall order the published
35 citation to be directed to either the father or mother, or both, of
36 the child, and to all persons claiming to be the father or mother of
37 the child, naming and otherwise describing the child. An order of
38 publication pursuant to this paragraph shall be based on an affidavit
39 describing efforts made to identify the unknown parent or parents.
40 Service made by publication pursuant to this paragraph shall

1 require the unknown parent or parents to appear at the date, time,
2 and place stated in the citation. Publication shall be made once a
3 week for four consecutive weeks.

4 (3) If the court determines that there has been due diligence in
5 attempting to identify one or both of the parents, or alleged parents,
6 of the child and the probation officer or social worker recommends
7 legal guardianship or long-term foster care, no further notice to
8 the parent shall be required.

9 (h) Notice to the child and all counsel of record shall be by
10 first-class mail.

11 (i) If the court knows or has reason to know that an Indian child
12 is involved, notice shall be given in accordance with Section 224.2.

13 (j) Notwithstanding subdivision (a), if the attorney of record is
14 present at the time the court schedules a hearing pursuant to Section
15 366.26, no further notice is required, except as required by
16 subparagraph (A) of paragraph (7) of subdivision (f).

17 (k) This section shall also apply to children adjudged wards
18 pursuant to Section 727.31.

19 (l) The court shall state the reasons on the record explaining
20 why good cause exists for granting any continuance of a hearing
21 held pursuant to Section 366.26 to fulfill the requirements of this
22 section.

23 (m) This section shall become operative on January 1, 2019.

24 SEC. 13. Section 295 of the Welfare and Institutions Code is
25 amended to read:

26 295. The social worker or probation officer shall give notice
27 of review hearings held pursuant to Sections 366.3 and 366.31 and
28 for termination of jurisdiction hearings held pursuant to Section
29 391 in the following manner:

30 (a) Notice of the hearing shall be given to the following persons:

31 (1) The mother.

32 (2) The presumed father.

33 (3) The legal guardian or guardians.

34 (4) The child, if the child is 10 years of age or older, or a
35 nonminor dependent.

36 (5) Any known sibling of the child or nonminor dependent who
37 is the subject of the hearing if that sibling either is the subject of
38 a dependency proceeding or has been adjudged to be a dependent
39 child of the juvenile court. If the sibling is 10 years of age or older,
40 the sibling, the sibling's caregiver, and the sibling's attorney. If

1 the sibling is under 10 years of age, the sibling's caregiver and the
2 sibling's attorney. However, notice is not required to be given to
3 any sibling whose matter is calendared in the same court on the
4 same day.

5 (6) The current caregiver of the child, including the foster
6 parents, relative caregivers, preadoptive parents, nonrelative
7 extended family members, community care facility, or foster family
8 agency having physical custody of the child if a child is removed
9 from the physical custody of the parents or legal guardian. The
10 person notified may attend all hearings and may submit any
11 information he or she deems relevant to the court in writing.

12 (7) The current caregiver of a nonminor dependent, as described
13 in subdivision (v) of Section 11400. The person notified may attend
14 all hearings and may submit for filing an original and eight copies
15 of written information he or she deems relevant to the court. The
16 court clerk shall provide the current parties and attorneys of record
17 with a copy of the written information immediately upon receipt
18 and complete, file, and distribute a proof of service.

19 (8) The attorney of record if that attorney of record was not
20 present at the time that the hearing was set by the court.

21 (9) The alleged father or fathers, but only if the recommendation
22 is to set a new hearing pursuant to Section 366.26.

23 (b) No notice shall be required for a parent whose parental rights
24 have been terminated or for the parent of a nonminor dependent,
25 as described in subdivision (v) of Section 11400, unless the parent
26 is receiving court-ordered family reunification services pursuant
27 to Section 361.6.

28 (c) The notice of the review hearing shall be served no earlier
29 than 30 days, nor later than 15 days, before the hearing.

30 (d) The notice of the review hearing shall contain a statement
31 regarding the nature of the hearing to be held, any recommended
32 change in the custody or status of the child, and any
33 recommendation that the court set a new hearing pursuant to
34 Section 366.26 in order to select a more permanent plan.

35 (e) Service of notice shall be by first-class mail addressed to
36 the last known address of the person to be provided notice. Except
37 as provided in subdivisions (g), (h), and (i), notice may be served
38 by electronic mail in lieu of notice by first-class mail if the county,
39 or city and county, and the court choose to permit service by
40 electronic mail and the person to be served has consented to service

1 by electronic mail by signing Judicial Council Form EFS-005. In
2 the case of an Indian child, notice shall be by registered mail, return
3 receipt requested.

4 (f) If the child is ordered into a permanent plan of legal
5 guardianship, and subsequently a petition to terminate or modify
6 the guardianship is filed, the probation officer or social worker
7 shall serve notice of the petition not less than 15 court days prior
8 to the hearing on all persons listed in subdivision (a) and on the
9 court that established legal guardianship if it is in another county.

10 (g) If the social worker or probation officer knows or has reason
11 to know that an Indian child is involved, notice shall be given in
12 accordance with Section 224.2.

13 (h) Except as provided in subdivision (i), if notice is required
14 to be provided to a child pursuant to paragraph (4) or (5) of
15 subdivision (a), written notice may be served on the child by
16 electronic mail only if all of the following requirements are
17 satisfied:

18 (1) The county, or city and county, and the court choose to
19 permit service by electronic mail.

20 (2) The child is 16 years of age or older.

21 (3) The child has consented to service by electronic mail by
22 signing Judicial Council Form EFS-005.

23 (4) The attorney for the child has consented to service of the
24 minor by electronic mail by signing Judicial Council Form
25 EFS-005.

26 (i) If notice is required to be provided to a child pursuant to
27 paragraph (4) or (5) of subdivision (a), written notice may be served
28 on the child by electronic mail as well as by regular mail if all of
29 the following requirements are satisfied:

30 (1) The county, or city and county, and the court choose to
31 permit service by electronic mail.

32 (2) The child is 14 or 15 years of age.

33 (3) The child has consented to service by electronic mail by
34 signing Judicial Council Form EFS-005.

35 (4) The attorney for the child has consented to service of the
36 minor by electronic mail by signing Judicial Council Form
37 EFS-005.

38 (j) This section shall remain in effect only until January 1, 2019,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2019, deletes or extends that date.

1 SEC. 14. Section 295 is added to the Welfare and Institutions
2 Code, to read:

3 295. The social worker or probation officer shall give notice
4 of review hearings held pursuant to Sections 366.3 and 366.31 and
5 for termination of jurisdiction hearings held pursuant to Section
6 391 in the following manner:

7 (a) Notice of the hearing shall be given to the following persons:

8 (1) The mother.

9 (2) The presumed father.

10 (3) The legal guardian or guardians.

11 (4) The child, if the child is 10 years of age or older, or a
12 nonminor dependent.

13 (5) Any known sibling of the child or nonminor dependent who
14 is the subject of the hearing if that sibling either is the subject of
15 a dependency proceeding or has been adjudged to be a dependent
16 child of the juvenile court. If the sibling is 10 years of age or older,
17 the sibling, the sibling's caregiver, and the sibling's attorney. If
18 the sibling is under 10 years of age, the sibling's caregiver and the
19 sibling's attorney. However, notice is not required to be given to
20 any sibling whose matter is calendared in the same court on the
21 same day.

22 (6) The current caregiver of the child, including the foster
23 parents, relative caregivers, preadoptive parents, nonrelative
24 extended family members, community care facility, or foster family
25 agency having physical custody of the child if a child is removed
26 from the physical custody of the parents or legal guardian. The
27 person notified may attend all hearings and may submit any
28 information he or she deems relevant to the court in writing.

29 (7) The current caregiver of a nonminor dependent, as described
30 in subdivision (v) of Section 11400. The person notified may attend
31 all hearings and may submit for filing an original and eight copies
32 of written information he or she deems relevant to the court. The
33 court clerk shall provide the current parties and attorneys of record
34 with a copy of the written information immediately upon receipt
35 and complete, file, and distribute a proof of service.

36 (8) The attorney of record if that attorney of record was not
37 present at the time that the hearing was set by the court.

38 (9) The alleged father or fathers, but only if the recommendation
39 is to set a new hearing pursuant to Section 366.26.

1 (b) No notice shall be required for a parent whose parental rights
2 have been terminated or for the parent of a nonminor dependent,
3 as described in subdivision (v) of Section 11400, unless the parent
4 is receiving court-ordered family reunification services pursuant
5 to Section 361.6.

6 (c) The notice of the review hearing shall be served no earlier
7 than 30 days, nor later than 15 days, before the hearing.

8 (d) The notice of the review hearing shall contain a statement
9 regarding the nature of the hearing to be held, any recommended
10 change in the custody or status of the child, and any
11 recommendation that the court set a new hearing pursuant to
12 Section 366.26 in order to select a more permanent plan.

13 (e) Service of notice shall be by first-class mail addressed to
14 the last known address of the person to be provided notice. In the
15 case of an Indian child, notice shall be by registered mail, return
16 receipt requested.

17 (f) If the child is ordered into a permanent plan of legal
18 guardianship, and subsequently a petition to terminate or modify
19 the guardianship is filed, the probation officer or social worker
20 shall serve notice of the petition not less than 15 court days prior
21 to the hearing on all persons listed in subdivision (a) and on the
22 court that established legal guardianship if it is in another county.

23 (g) If the social worker or probation officer knows or has reason
24 to know that an Indian child is involved, notice shall be given in
25 accordance with Section 224.2.

26 (h) This section shall become operative on January 1, 2019.

27 SEC. 15. Section 316.1 of the Welfare and Institutions Code
28 is amended to read:

29 316.1. (a) (1) Upon his or her appearance before the court,
30 each parent or guardian shall designate for the court his or her
31 permanent mailing address. The court shall advise each parent or
32 guardian that the designated mailing address will be used by the
33 court and the social services agency for notice purposes unless and
34 until the parent or guardian notifies the court or the social services
35 agency of a new mailing address in writing.

36 (2) Except as provided in subdivisions (b) and (c), in addition
37 to providing his or her permanent mailing address, the court may,
38 if the county, or city and county, and the court choose to permit
39 service by electronic mail, permit any party who is entitled to
40 notice of court proceedings, upon his or her consent to service by

1 electronic mail by signing Judicial Council Form EFS-005, to
2 voluntarily provide the court with a designated electronic mail
3 address for the purpose of receiving notice by electronic mail.
4 Upon his or her appearance before the court, each party who
5 consents to service by electronic mail shall designate for the court
6 his or her electronic mail address. The court shall advise each party
7 that the electronic mail address will be used by the court and the
8 social services agency for purposes of providing notice pursuant
9 to Sections 290.1, 290.2, 291, 292, 293, 294, and 295, unless and
10 until the party notifies the court or the social services agency of a
11 new electronic mail address in writing.

12 (b) Except as provided in subdivision (c), the court may permit
13 a child who appears before the court and who is entitled to notice
14 of court proceedings to voluntarily provide the court with a
15 designated electronic mail address for the purpose of receiving
16 notice by electronic mail only under the following circumstances:

17 (1) If the child is 16 years of age or older, notice shall be served
18 by first-class mail, or if all of the following requirements are
19 satisfied, by electronic mail:

20 (A) The county, or city and county, and the court choose to
21 permit service by electronic mail.

22 (B) The child has consented to service by electronic mail by
23 signing Judicial Council Form EFS-005.

24 (C) The attorney for the child has consented to service of the
25 minor by electronic mail by signing Judicial Council Form
26 EFS-005.

27 (2) If the child is 14 or 15 years of age, written notice may be
28 served on the child by electronic mail as well as by regular mail
29 if all of the following requirements are satisfied:

30 (A) The county, or city and county, and the court choose to
31 permit service by electronic mail.

32 (B) The child has consented to service by electronic mail by
33 signing Judicial Council Form EFS-005.

34 (C) The attorney for the child has consented to service of the
35 minor by electronic mail by signing Judicial Council Form
36 EFS-005.

37 (c) Notice of court proceedings by electronic mail is not
38 permitted in any of the following circumstances:

39 (1) For notice of any hearing at which the county welfare
40 department is recommending termination of parental rights, in

1 which case notice may only be served by electronic mail if
2 supplemental and in addition to first-class mail.

3 (2) If the social worker or probation officer knows or has reason
4 to know that an Indian child is involved, in which case notice shall
5 be given in accordance with Section 224.2.

6 (3) If the person entitled to notice is a child under 14 years of
7 age.

8 (d) The Judicial Council may develop a form for the designation
9 of a permanent mailing address by parents and guardians for use
10 by the courts and social services agencies.

11 (e) This section shall remain in effect only until January 1, 2019,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2019, deletes or extends that date.

14 SEC. 16. Section 316.1 is added to the Welfare and Institutions
15 Code, to read:

16 316.1. (a) Upon his or her appearance before the court, each
17 parent or guardian shall designate for the court his or her permanent
18 mailing address. The court shall advise each parent or guardian
19 that the designated mailing address will be used by the court and
20 the social services agency for notice purposes unless and until the
21 parent or guardian notifies the court or the social services agency
22 of a new mailing address in writing.

23 (b) The Judicial Council may develop a form for the designation
24 of a permanent mailing address by parents and guardians for use
25 by the courts and social services agencies.

26 (c) This section shall become operative on January 1, 2019.